

SENATE BILL No. 123

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-18-10-6; IC 13-30-4-3.

Synopsis: Confined feeding operations. Requires the department of environmental management to revoke the approval for a confined feeding operation if at least three violations of confined feeding or water pollution control laws occur at the confined feeding operation in any two year period. Prohibits the department from waiving certain civil penalties for violations of confined feeding laws.

Effective: July 1, 2005.

Paul

January 4, 2005, read first time and referred to Committee on Agriculture and Small Business.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

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SENATE BILL No. 123

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 13-18-10-6 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) A person who
3 violates this chapter is subject to the penalties imposed by the
4 following:

- 5 (1) IC 13-30-4.
6 (2) IC 13-30-5.
7 (3) IC 13-30-6.
8 (4) IC 13-30-8.

9 (b) Notwithstanding section 2.1(e) of this chapter, the
10 department shall revoke the approval for a confined feeding
11 operation if at least three (3) violations of:

- 12 (1) this chapter;
13 (2) rules adopted under this chapter;
14 (3) the water pollution control laws; or
15 (4) rules adopted under the water pollution control laws;
16 occur at the confined feeding operation in any two (2) year period.

17 SECTION 2. IC 13-30-4-3 IS AMENDED TO READ AS

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IN 123—LS 6612/DI 69+



FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The department may waive up to one hundred percent (100%) of a civil penalty imposed on a business for a minor violation of:

- (1) a requirement of environmental management laws;
- (2) a rule adopted by a board; or
- (3) any determination, permit, or order made or issued by the commissioner.

(b) The department may not waive any part of a civil penalty under this section if the violation:

- (1) endangers or causes damage to public health or the environment;
- (2) is intentional, willful, or criminal;
- (3) is of a requirement for which the department has previously issued a notice or warning of violation, for this or a prior violation, to the business required to correct the violation; ~~or~~
- (4) is a violation of IC 13-18-10 concerning confined feeding operations; or**
- ~~(4)~~ **(5)** is not corrected within ninety (90) days after the date the business required to correct the violation notifies the department of the violation under subsection (c). The department may extend the ninety (90) day period for not more than an additional ninety (90) days.

(c) To seek a waiver of a civil penalty under this section, the business required to correct the violation must submit to the department a written report of the violation for which a waiver is sought. The report must be submitted to the department before an inspection by the department that discloses the violation or the issuance of a notice or warning of violation.

(d) The boards may adopt rules to implement this section.

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